

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**ANDRE LENOIR**

**PETITIONER**

**VS.**

**CIVIL ACTION NO. 3:05CV214LS**

**STATE OF MISSISSIPPI, DWIGHT  
PRESTLEY and JIM HOOD**

**RESPONDENTS**

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**ORDER**

On this date, the court entered an Order denying the Petitioner's Motion to Suspend Briefing/Leave to Proceed in the Miss. Supreme Court and his Motion to Amend Habeas Petition. In that Order, the court stated that the Petitioner had requested and been given two extensions of time within which to submit a rebuttal, but failed to do so. Shortly after the entry of that Order, the undersigned received from the Clerk's office a copy of Lenoir's rebuttal. Having reviewed it, the court finds no reason to change its ruling. While Lenoir discusses extensively the United States Supreme Court's opinion in *Crawford v. Washington*, 541 U.S. 36 (2004), he has not addressed the limitations issue raised by the Respondents and governed by *Mayle v. Felix*, 545 U.S. 644, 125 S. Ct. 2562 (2005). Since that is the issue on which his Motions were denied, the court's ruling will remain the same.

IT IS SO ORDERED, this the 30<sup>th</sup> day of August, 2006.

S/James C. Sumner

UNITED STATES MAGISTRATE JUDGE